REMARKS

Claims 1-36 are pending in the application. Claims 1, 2, 10, 18, 19, 20, 29, 32 and 35 have been amended.

Claim Rejections – 35 U.S.C. 102(b)

Claims 1, 3-11, 13-15, 17-19, 28, 29, and 31-36 are rejected under 35 U.S.C. 102(b) a being anticipated by *Cajolet* (US 6,192,388). Applicants respectfully traverse this rejection.

One or more embodiments of the present invention are generally directed to efficiently assigning tasks, such as compilation tasks, in a distributed system. As discussed in the Background Section of the instant Application, prior methods of task distribution are inefficient (like round-robin), and/or require costly, complex processing by the central machine, the machine assigning the tasks. In contrast, one or more embodiments described in the parent application reduces the burden on the central machine by allowing the helping machines to determine their participation and, if appropriate, what task or tasks they will receive. As explained in the patent application, the result can be a more efficient use of network resources or an efficient way of distributing task(s).

The Examiner relies on *Cajolet* to reject the claims. This reference, however, is directed to prior art addressed in the Applicants' Background Section. *Cajolet* teaches that a problem dispatcher 88 (the central machine) analyzes responses from helping machines (referred to as assistants 86) in deciding which machine to assign the task. Specifically, *Cajolet* describes that the dispatcher 88 evaluates each problem solving assistant's response relative to other assistant responses based on pre-defined criteria, such as processor speed and available RAM. *See Cajolet*, Fig. 7, items 124-134, Fig. 8, col. 9, line 57 to col. 10, line 6, and col. 11, line 11 to col. 12, line 24. The assignment of the tasks in *Cajolet* is determined by a formula using the

appropriate problem solver assistant criteria. *Id.* The problem dispatcher then updates a list it maintains showing the "best" problem solver assistants. *Id. at* Fig. 7. As can be seen, the approach described in **Cajolet** is analogous to the prior art approach described in the Applicant's "Background Section," where the central machine is burdened with evaluating all of the qualifications of the responding assistants.

Against this general backdrop, the claims are now addressed. For ease of discussion, claim 1 is addressed first. Consider claim 1, directed to a method, comprising: (1) indicating to one or more remote systems in a distributed system that a task in a task list is available for processing based on a distribution list; (2) receiving at least one response from the one or more remote systems capable of performing the task responsive to the indication; and (3) assigning the task from the task list to the first remote system to respond.

Cajolet at least does not disclose the claimed feature of assigning the task from the task list to the <u>first remote system to respond</u>. As previously discussed, **Cajolet** evaluates each problem solver assistant response before determining which task will be assigned to each problem solver assistant. In contrast, one or more embodiments of the instant Application are directed to assigning the task from the task list to the <u>first remote system to respond</u>. As described in the present application, the client system 5 (the machine that has tasks needing completion) assigns tasks to remote systems 20 based the order in which the remote systems 20 respond. Application, page 18, ll. 9-14. By using criteria based on response order, the client system 5 may make fewer, if any, scheduling/delegation decisions, and the need to monitor performance status of the remote systems 20 is reduced. *See* Application, page 21, ll. 11-15. In this way, the client system 5 has shifted the scheduling/delegation responsibility more to the remote systems 20. For at least the aforementioned reasons, claim 1, and its dependent claims,

is allowable over *Cajolet*. For similar reasons, claim 18, 19, 29, 35 (and any claims depending therefrom) are allowable.

Additionally, claim 32 is allowable over the cited reference. Claim 32 is directed to a method that comprises, among other things, <u>reserving one or more remote system resources</u> in response to determining that the remote system is capable of processing the compilation task and processing the at least one compilation task for the client system in response to the one or more compilation tasks from the client system being assigned to the <u>first remote system</u>. The cited art at least fails to teach or suggest a remote system <u>reserving system resources</u> in response to determining that the remote system is capable of processing the compilation task. Therefore, claim 32 is allowable.

For at least these reasons, Applicants respectfully submit that claims 1, 10, 18, 19, 29, 32, and 35 are in condition for allowance and request that the Examiner's rejection of these claims, and their respective dependent claims, under 35 U.S.C. § 102 be withdrawn.

With respect to claims 12, 16, 20-27, and 30 rejected under 35 U.S.C. 103(a) as being unpatentable over *Cajolet* as applied to claims 10 and 20, and further in view of official notice, the Examiner **cites *no references*** to support this "obviousness" assertion, and as such, Applicants infer that the Examiner makes this assertion based on **personal knowledge**. However, no **supporting affidavit** has been made of record. Applicants respectfully requests that prior art be provided to substantiate this "obviousness" assertion or that an **affidavit** be filed in accordance with **37 C.F.R. § 1.104(d)(2)**, which states (emphasis added):

> (2) When a rejection in an application is based on facts **within the personal knowledge** of an employee of the Office, the data shall be as specific as possible, and **the reference *must* be supported, when called for by the applicant, by the *affidavit* of such employee**, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.

Consequently, Applicants respectfully and seasonably requests the Office to either (1) **cite a reference** in support of this position, or (2) **provide a Rule 104(d)(2) affidavit** from the Examiner supporting any **facts within the personal knowledge of the Examiner**, as also set forth in **M.P.E.P. § 2144.03**.

For at least these reasons, Applicants respectfully submit that the pending claims are in condition for allowance and request that the Examiner's rejection of these claims under 35 U.S.C. § 103 be withdrawn.

In view of the foregoing, it is respectfully submitted that all pending claims are in condition for immediate allowance. The Examiner is invited to contact the undersigned attorney at (713) 934-4064 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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